

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1974.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	October 31, 2002
DATE OF REPORT:	November 22, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 13, 2002

COMPLAINT ISSUES:

Whether the Mills Creek Community School Corporation and the Old National Trail Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written.

FINDINGS OF FACT:

1. The student (Student) is 7 years old and is eligible for special education and related services as a student with an other health impairment and a learning disability.
2. Page 7 of the April 15, 2002, IEP states that the Student will receive special education services five times per week for 30 minutes each session in the classroom for students with learning disabilities. The Complainant contacted the school psychologist on October 18, 2002, because the Student was not receiving the required special education services. The special education coordinator (Coordinator) confirmed that the Student was not receiving special education services documented in the April 15, 2002, IEP.
3. The CCC convened on October 23, 2002, to discuss the student's program. The teacher for the readiness classroom requested that the Student be in the readiness program all day for continuity, and not attend the classroom for learning disabilities until later in the school year. The CCC agreed, and the Student's IEP was revised to document consultation services for 20 minutes one time per grading period. The Complainant signed the IEP. The School and the Complainant state that compensatory services were not offered to the Student for the time the Student did not receive special education services as required by the April 15, 2002, IEP.

CONCLUSIONS:

1. Findings of Fact #2 and #3 establish that the School failed to provide the Student with special education services as required by the April 15, 2002, IEP. The School acknowledged the error, and convened the CCC on October 23, 2002, to determine services for the Student in order to correct the problem. (During the course of the investigation, the CCC also convened on November 13, 2002). The CCC did not determine whether, and to what extent, compensatory services shall be provided. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Mill Creek Community School Corporation and the Old National Trail Special Education Cooperative shall:

Convene the CCC and determine the amount of compensatory services the School must provide to the Student for special education services required by the April 15, 2002, IEP, but not provided to the Student during the 2002-2003 school year. The CCC must clearly document the CCC's consideration of the need for compensatory services, and must clearly describe the services to be provided. **A copy of the CCC Report/IEP shall be submitted to the Division no later than December 13, 2002.**